REMARKS

Claims 1-30 are pending in the present patent application. Claims 1-30 stand rejected. This application continues to include claims 1-30.

Claims 1, 2, 5-7, 9-15, 19-25, and 28-30 were rejected under 35 USC §102(b) as being anticipated by Hughes, U.S. Patent No. 6,636,509 B1 (hereinafter, Hughes). Applicants respectfully request reconsideration of the rejection of claims 1, 2, 5-7, 9-15, 19-25, and 28-30 in view of the following.

Hughes is directed to internetworking systems and in particular to methods and apparatus for managing traffic flow and quality of service in routers and switches (col. 1, lines 8-10). Hughes discloses that an incoming packet header 200 (FIG. 2) is parsed 300 to extract type of service field 210 and source address 220, which consists of 32 bits, representing the network ID (netID) and host ID of the sender (col. 4, lines 21-24). The extracted netID (AS number) then indexes 310 a table 315 containing predetermined autonomous system labels corresponding to each unique netID (col. 4, lines 34-36). Next, the AS label or, in the alternate, the netID, is combined 320 with TOS 210 to form an index to intra-switch TOS (IS-TOS) lookup table 325, which contains a limited set of internal TOS (also referred to as "internal identifiers") values, represented by substantially fewer bits than the strict concatenation of input TOS 210 and the AS label (or netID) (col. 5, lines 1-8). In other words, intra-switch TOS lookup table 325 maps multiple input TOS/AS label combinations to a single intra-switch TOS value (col. 5, lines 8-10).

Applicants believe that claims 1, 2, 5-7, 9-15, 19-25, and 28-30 patentably define Applicants' invention over Hughes, for at least the reasons set forth below.

Claim 1 is directed to a method of processing data packets. Claim 1 recites, in part, receiving a plurality of the data packets at a selected node, and extracting only pertinent

information from the data packets while ignoring non-pertinent information from the data packets, the pertinent information being pertinent to said selected node.

In contrast to claim 1, Hughes discloses that discloses that an incoming packet header 200 (FIG. 2) is parsed 300 to extract type of service field 210 and source address 220, which consists of 32 bits, representing the network ID (netID) and host ID of the sender (col. 4, lines 21-24). Thus, rather than extracting only pertinent information while ignoring non-pertinent information, wherein the pertinent information is pertinent to the selected node that receives the plurality of data packets, Hughes clearly discloses parsing type of service field 210 and source address 220, which consists of 32 bits, representing the network ID (netID) and host ID of the sender, which are not pertinent to the selected node.

For example, the host ID of the sender is pertinent to the sender, not to a selected node.

Accordingly, Hughes does not disclose, teach, or suggest extracting only pertinent information from the data packets while ignoring non-pertinent information from the data packets, the pertinent information being pertinent to said selected node, as recited in claim 1.

Claim 1 also recites, in part, generating a plurality of response data packets based on the pertinent information, wherein said extracting and generating steps are performed without use of a microprocessor.

Hughes does not disclose, teach, or suggest generating a plurality of response data packets based on the pertinent information, much less wherein the extracting and generating steps are performed without use of a microprocessor. However, the Examiner asserts Hughes does so disclose the aforementioned subject matter recited in claim 1 at Fig. 6, and combiner 630.

In contrast to generating a plurality of response data packets based on the pertinent information, wherein the extracting and generating steps are performed without use of a microprocessor, Hughes discloses that the AS label and the TOS field are combined in combiner

630 to form an index that is used by remapper 540 to read the intra-switch TOS (IS-TOS) value from IS-TOS table 650 (col. 6, lines 4-7), which is unrelated to and clearly does not disclose, teach, or suggest generating a plurality of response data packets based on the pertinent information.

Rather, combiner 630 combines data to form an index that is used by a remapper to read TOS data from a table.

Further, although the Examiner asserts that "*a microprocessor is not used as shown in fig. 6*" (emphasis in original), Hughes does not disclose, teach, or suggest in any way that a microprocessor is not used, but rather, discloses otherwise.

For example, Hughes discloses that "Computer instructions implementing the method of the present invention may be embodied in any computer readable media . . . . " Applicants' respectfully submit that it is known in the art that computer instructions are implemented on a computer, which is likewise known in the art to employ a microprocessor in order to execute the computer instructions.

Accordingly, Hughes does not disclose, teach, or suggest generating a plurality of response data packets based on the pertinent information, wherein the extracting and generating steps are performed without use of a microprocessor, as recited in claim 1.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987) (MPEP 2131).

Since each and every element as set forth in claim 1 is not found, either expressly or inherently described in the Hughes reference, Applicants respectfully submit that Hughes does not anticipate claim 1.

Accordingly, for at least the reasons set forth above, Applicants respectfully submit that Hughes does not disclose, teach, or suggest the subject matter of claim 1. Applicants thus respectfully request that the rejection of claim 1 under 35 USC §102(b) be withdrawn.

Claims 2, 5-7, 9, and 10 are believed allowable due to their dependence, directly or indirectly, on otherwise allowable base claim 1. In addition, claims 2, 5-7, 9, and 10 further and patentably define the invention over Hughes.

For example, claim 2 is directed to the method of claim 1, wherein said extracting and generating steps are performed without use of a storage memory.

In contrast to claim 2, Hughes discloses that the extracted netID (AS number) then indexes 310 a table 315 containing predetermined autonomous system labels corresponding to each unique netID, and that this list is defined by the system administrator and stored in the switch memory (col. 4, lines 33-36). Hughes thus discloses the use of a memory.

Accordingly, Hughes does not disclose, teach, or suggest the subject matter of claim 2, and hence, claim 2 is believed allowable in its own right.

Claim 11 is directed to a packet communication system. Claim 11 recites, in part, a filter device connected to said peripheral device, said filter device being configured to receive a plurality of data packets and identify only pertinent information in said data packets while ignoring non-pertinent information from said data packets, said pertinent information being pertinent to said peripheral device.

Hughes does not disclose, teach, or suggest a filter device connected to the peripheral device, the filter device being configured to receive a plurality of data packets and identify only pertinent information in the data packets while ignoring non-pertinent information from the data packets, the pertinent information being pertinent to the peripheral device, nor does the Examiner

specifically assert as much. Rather, the Examiner rejected claim 11 using the same rational as in the rejection of claims 1 and 3.

In contrast to claim 11, Hughes discloses that discloses that an incoming packet header 200 (FIG. 2) is parsed 300 to extract type of service field 210 and source address 220, which consists of 32 bits, representing the network ID (netID) and host ID of the sender (col. 4, lines 21-24).

Thus, rather than a filter device being configured to receive a plurality of data packets and identify only pertinent information in the data packets while ignoring non-pertinent information from the data packets, the pertinent information being pertinent to the peripheral device, Hughes clearly discloses parsing type of service field 210 and source address 220, which consists of 32 bits, representing the network ID (netID) and host ID of the sender.

Applicants respectfully submit that parsing type of service field 210 and source address 220, which consists of 32 bits, representing the network ID (netID) and host ID of the sender are clearly not pertinent to a peripheral device. For example, the host ID of the sender is pertinent to the sender, and is not pertinent to a peripheral device.

Accordingly, for at least the reasons set forth above, Applicants respectfully submit that Hughes does not disclose, teach, or suggest the subject matter of claim 11. Applicants thus respectfully request that the rejection of claim 11 under 35 USC §102(b) be withdrawn.

Claims 12-15, 19, and 20 are believed allowable due to their dependence, directly or indirectly, on otherwise allowable base claim 11. In addition, claims 12-15, 19, and 20 further and patentably define the invention over Hughes.

For example, claim 12 is directed to the system of claim 11, wherein said filter device is microprocessorless.

Hughes does not disclose, teach, or suggest wherein the filter device is microprocessorless for substantially the same reasons as set forth above with respect to claim 1.

Accordingly, claim 12 is believed allowable in its own right.

Claim 13 is directed to the system of claim 12, wherein said filter device is memoryless.

Claim 13 is believed allowable in its own right for substantially the same reasons as set forth above with respect to claim 2.

Claim 15 is directed to the system of claim 11, further comprising a packet generator connected to said peripheral device and said filter device, said packet generator being configured to generate a plurality of response data packets based on said pertinent information.

Hughes does not disclose, teach, or suggest a packet generator being configured to generate a plurality of response data packets based on the pertinent information for substantially the same reasons as set forth above with respect to claim 1.

Claim 21 is directed to a data packet communication device. Claim 21 recites, in part, a filter device configured to receive a plurality of data packets and identify only pertinent information in said data packets while ignoring non-pertinent information from said data packets.

Hughes does not disclose, teach, or suggest a filter device configured to receive a plurality of data packets and identify only pertinent information in the data packets while ignoring non-pertinent information from the data packets for substantially the same reasons as set forth above with respect to claim 11.

Claim 21 also recites, in part, a packet generator configured to generate a plurality of response data packets based on said pertinent information.

Hughes does not disclose, teach, or suggest a packet generator configured to generate a plurality of response data packets based on said pertinent information for substantially the same reasons as set forth above with respect to claim 1.

Accordingly, for at least the reasons set forth above, Applicants respectfully submit that Hughes does not disclose, teach, or suggest the subject matter of claim 21. Applicants thus respectfully request that the rejection of claim 21 under 35 USC §102(b) be withdrawn.

Claims 22-25 and 28-30 are believed allowable due to their dependence, directly or indirectly, on otherwise allowable base claim 21. In addition, claims 22-25 and 28-30 further and patentably define the invention over Hughes.

For example, claim 22 is directed to the device of claim 21, wherein each of said filter device and said packet generator is microprocessorless.

Hughes does not disclose, teach, or suggest wherein each of the filter device and the packet generator is microprocessorless for substantially the same reasons as set forth above with respect to claim 1.

Accordingly, claim 22 is believed allowable in its own right.

Claim 23 is directed to the device of claim 22, wherein each of said filter device and said packet generator is memoryless.

Claim 23 is believed allowable in its own right for substantially the same reasons as set forth above with respect to claim 2.

Claim 29 is directed to the device of claim 21, wherein said packet generator comprises an N to M decoder.

The Examiner acknowledged that Hughes is silent as to the packet generator comprising an N to M decoder. However, the Examiner asserts a decoder converts coded data back into its original form, and that it is inherent that Hughes combiner 630 converts N inputs into M output.

In contrast to claim 21, and in contrast to coding data back into its original form and converting N inputs into M outputs, Hughes discloses that the AS label and the TOS field are combined in combiner 630 to form an index that is used by remapper 540 to read the intra-switch

TOS (IS-TOS) value from IS-TOS table 650 (col. 6, lines 4-7), which is unrelated to and does not disclose, teach, or suggest an N to M decoder.

Accordingly, claim 29 is believed allowable in its own right.

Accordingly, for at least the reasons set forth above, Applicants respectfully submit that Hughes does not disclose, teach, or suggest the subject matter of claims 1, 2, 5-7, 9-15, 19-25, and thus respectfully request that the rejection of claims 1, 2, 5-7, 9-15, 19-25, and 28-30 under 35 U.S.C. 102(b) be withdrawn.

Claims 3 and 8 were rejected under 35 USC §103(a) as being unpatentable over Hughes. Applicants respectfully request reconsideration of the rejection of claims 3 and 8, and believe that claims 3 and 8 patentably define Applicants' invention over Hughes, for at least the reasons set forth below.

Claim 3 is directed to the method of claim 1, wherein said selected node includes a peripheral device, the pertinent information being pertinent to said peripheral device.

Claim 3 is believed allowable due to its dependence on otherwise allowable base claim 1, since, as set forth above with respect to claim 1, Hughes does not disclose, teach, or suggest the subject matter of claim 1.

Claim 8 is directed to the method of claim 7, comprising the further step of passing the packet payload to a peripheral device.

Claim 8 is believed allowable due to its dependence on otherwise allowable base claim 1, since, as set forth above with respect to claim 1, Hughes does not disclose, teach, or suggest the subject matter of claim 1.

Accordingly, for at least the reasons set forth above, Applicants respectfully submit that Hughes does not disclose, teach, or suggest the subject matter of claims 3 and 8, and thus respectfully request that the rejection of claims 3 and 8 under 35 U.S.C. 103(a) be withdrawn.

Claims 4, 16-18, 26, and 27 were rejected under 35 USC §103(a) as being unpatentable over Hughes in view of Ambe, U.S. Patent No. 6,976,653 B2 (hereinafter, Ambe). Applicants respectfully request reconsideration of the rejection of claims 4, 16-18, 26, and 27 in view of the following.

Ambe is directed to a flexible filter processor architecture (col. 1, line 28). Ambe discloses an FFP 14 being essentially a state machine driven programmable rules engine (col. 21, lines 25-26). The actions taken by the filter are taken by the filter are tag insertion, priority mapping, TOS tag insertion, sending of the packet to the CPU, dropping of the packet, forwarding of the packet to an egress port, and sending the packet to a mirrored port (col. 21, lines 31-34).

Applicants believe that claims 4, 16-18, 26, and 27 patentably define Applicants' invention over Hughes in view of Ambe, taken alone or in combination, for at least the reasons set forth below.

Claim 4 is directed to the method of claim 1, comprising the further step of transmitting a signal indicating that the response data packets should be sent.

Claim 4 is believed allowable due to its dependence on otherwise allowable base claim 1.

In addition, Applicants respectfully submit that Hughes and Ambe, taken alone or in combination, do not disclose, teach, or suggest the subject matter recited in claim 4.

Hughes does not disclose, teach, or suggest the subject matter recited in claim 4, nor does the Examiner assert as much. Rather, the Examiner relies on Ambe as assertedly disclosing transmitting a signal indicating that the response data packets should be sent, relying on Ambe at column 21, lines 25-35.

Applicants respectfully submit that Ambe does not disclose, teach, or suggest transmitting a signal indicating that the response data packets should be sent, as recited in claim 4. Rather, the relied-upon Ambe passage discloses that actions taken by the filter are taken by the filter are tag

insertion, priority mapping, TOS tag insertion, sending of the packet to the CPU, dropping of the packet, forwarding of the packet to an egress port, and sending the packet to a mirrored port (col. 21, lines 31-34), none of which relate to or otherwise disclose, teach, or suggest transmitting a signal indicating that the response data packets should be sent, as recited in claim 4.

In order to establish a prima facie case of obviousness, the prior art reference (or references when combined) must teach or suggest all the claim limitations (MPEP 2143). However, Applicants' claim limitation, transmitting a signal indicating that the response data packets should be sent, is not taught or suggested by Ambe and Hughes, taken alone or in combination, and hence, a prima facie case of obviousness has not been established against claim 4 under MPEP2143.

Further, since the actions disclosed by Ambe, which are tag insertion, priority mapping, TOS tag insertion, sending of the packet to the CPU, dropping of the packet, forwarding of the packet to an egress port, and sending the packet to a mirrored port, do not disclose, teach, or suggest transmitting a signal indicating that the response data packets should be sent, as recited in claim 4, Applicants respectfully submit that the combination of Hughes and Ambe would not yield Applicants' invention of claim 4.

Accordingly, Applicants respectfully submit that claim 4 is allowable in its present form, and thus respectfully request the Examiner to withdraw the rejection of claim 4 under 35 USC §103(a).

Claim 16 is directed to the system of claim 15, wherein said filter device is configured to transmit a signal indicating that said response data packets should be generated.

Claim 16 is believed allowable due to its dependence on otherwise allowable base claim 11.

In addition, Applicants respectfully submit that Hughes and Ambe, taken alone or in combination, do not disclose, teach, or suggest the subject matter recited in claim 16.

Hughes does not disclose, teach, or suggest the subject matter recited in claim 16, nor does the Examiner assert as much. Rather, the Examiner relies on Ambe as assertedly disclosing transmitting a signal indicating that the response data packets should be sent, relying on Ambe at column 21, lines 25-35.

Applicants respectfully submit that Ambe does not disclose, teach, or suggest wherein the filter device is configured to transmit a signal indicating that the response data packets should be generated, as recited in claim 16. Rather, the relied-upon Ambe passage discloses that actions taken by the filter are taken by the filter are tag insertion, priority mapping, TOS tag insertion, sending of the packet to the CPU, dropping of the packet, forwarding of the packet to an egress port, and sending the packet to a mirrored port (col. 21, lines 31-34), none of which relate to or otherwise disclose, teach, or suggest a filter device configured to transmit a signal indicating that the response data packets should be generated, as recited in claim 16.

Since Applicants' claim limitation, transmitting a signal indicating that the response data packets should be sent, is not taught or suggested by Ambe and Hughes, taken alone or in combination, a prima facie case of obviousness has not been established against claim 16 under MPEP2143.

Further, since the actions disclosed by Ambe, which are tag insertion, priority mapping, TOS tag insertion, sending of the packet to the CPU, dropping of the packet, forwarding of the packet to an egress port, and sending the packet to a mirrored port, do not disclose, teach, or suggest a filter device configured to transmit a signal indicating that the response data packets should be generated, as recited in claim 16, Applicants respectfully submit that the combination of Hughes and Ambe would not yield Applicants' invention of claim 16.

Accordingly, Applicants respectfully submit that claim 16 is allowable in its present form, and thus respectfully request the Examiner to withdraw the rejection of claim 16 under 35 USC §103(a).

Claim 17 is directed to the system of claim 16, wherein said packet generator is configured to transmit said response data packets to a packetized data network.

Claim 17 is believed allowable due to its dependence on otherwise allowable base claim 11 and/or intervening claims 15 and 16.

Claim 18 is directed to the system of claim 17, further comprising a protocol state machine configured for receiving the signal from said filter device and issuing a request to said packet generator to transmit said response data packets.

Claim 18 is believed allowable due to its dependence on otherwise allowable base claim 11 and/or intervening claims 15-17.

In addition, Applicants respectfully submit that Hughes and Ambe, taken alone or in combination, do not disclose, teach, or suggest the subject matter recited in claim 18.

Hughes does not disclose, teach, or suggest the subject matter recited in claim 18, nor does the Examiner assert as much. Rather, the Examiner relies on Ambe as assertedly disclosing the subject matter recited in claim 18, relying on Ambe at column 21, lines 25-35.

Applicants respectfully submit that Ambe does not disclose, teach, or suggest a protocol state machine configured for receiving the signal from the filter device and issuing a request to the packet generator to transmit the response data packets, as recited in claim 18. Rather, the relied-upon Ambe passage discloses that actions taken by the filter are taken by the filter are tag insertion, priority mapping, TOS tag insertion, sending of the packet to the CPU, dropping of the packet, forwarding of the packet to an egress port, and sending the packet to a mirrored port (col. 21, lines 31-34), none of which relate to or otherwise disclose, teach, or suggest receiving the

signal from the filter device and issuing a request to the packet generator to transmit the response data packets, as recited in claim 18.

Since Applicants' claim limitation, a protocol state machine configured for receiving the signal from the filter device and issuing a request to the packet generator to transmit the response data packets, is not taught or suggested by Ambe and Hughes, taken alone or in combination, a prima facie case of obviousness has not been established against claim 16 under MPEP2143.

Further, since the actions disclosed by Ambe, which are tag insertion, priority mapping, TOS tag insertion, sending of the packet to the CPU, dropping of the packet, forwarding of the packet to an egress port, and sending the packet to a mirrored port, do not disclose, teach, or suggest a protocol state machine configured for receiving the signal from the filter device and issuing a request to the packet generator to transmit the response data packets, as recited in claim 18, Applicants respectfully submit that the combination of Hughes and Ambe would not yield Applicants' invention of claim 16.

Accordingly, Applicants respectfully submit that claim 18 is allowable in its present form.

Claim 26 is directed to the device of claim 21, wherein said filter device is configured to transmit a signal indicating that said response data packets should be generated.

Claim 26 is believed allowable for substantially the same reasons as set forth above with respect to claim 16.

In addition, claim 26 is believed allowable due to its dependence on otherwise allowable base claim 21.

Claim 27 is directed to the device of claim 26, further comprising a protocol state machine configured for receiving the signal from said filter device and issuing a request to said packet generator to transmit said response data packets.

Claim 27 is believed allowable due to its dependence on otherwise allowable base claim 21 and/or intervening claim 26.

In addition, claim 27 is believed allowable in its present form for substantially the same reasons as set forth above with respect to claim 18.

Accordingly, for at least the reasons set forth above, Applicants respectfully submit that Hughes and Ambe, taken alone or in combination, do not disclose, teach, or suggest the subject matter of claims 4, 16-18, 26, and 27, and thus respectfully request that the rejection of claims 4, 16-18, 26, and 27 under 35 U.S.C. 103(a) be withdrawn.

For the foregoing reasons, Applicants submit that no combination of the cited references teaches, discloses or suggests the subject matter of the pending claims. The pending claims are therefore in condition for allowance, and Applicants respectfully request withdrawal of all rejections and allowance of the claims.

In the event Applicants have overlooked the need for an extension of time, an additional extension of time, payment of fee, or additional payment of fee, Applicants hereby conditionally petition therefor and authorize that any charges be made to Deposit Account No. 20-0095, TAYLOR & AUST, P.C.

Should any question concerning any of the foregoing arise, the Examiner is invited to telephone the undersigned at (317) 894-0801.

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